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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

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GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

JAN 6 2011

DOCKETED BY

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
PINEVIEW WATER COMPANY, INC. FOR AN
OPINION AND ORDER (i) AUTHORIZING
SALE AND TRANSFER OF WATER SYSTEM
ASSETS, AND (ii) CANCELLING
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

DOCKET NO. W-01676A-10-0400

PROCEDURAL ORDER

BY THE COMMISSION:

On October 4, 2010, Pineview Water Company, Inc. ("Pineview" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for authority to sell and transfer its water system assets and to cancel its Certificate of Convenience and Necessity ("CC&N"). Pineview states that it has reached agreement to sell and transfer the assets to the City of Show Low, Arizona.

On October 14 and October 26, 2010, the Company filed additional information in support of its application.

On November 3, 2010, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter stating that additional information was needed to satisfy the sufficiency requirements set forth in Arizona Administrative Code ("A.A.C.") R14-2-402.D.

On November 17 and 19, 2010, and December 15, 2010, Pineview filed additional information in response to Staff's Insufficiency Letter.

On December 20, 2010, Staff filed a Sufficiency Letter indicating that Pineview's application met the sufficiency requirements outlined in A.A.C. R14-2-402.D.

IT IS THEREFORE ORDERED that a **hearing in this matter shall commence on March 15, 2011, at 10:00 a.m.**, in Hearing Room No. 1 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that **Pineview Water Company, Inc.** shall provide public notice of the application and hearing in this matter, in the following form and style, with the heading in no less than 12-point bold type and the body in no less than 10-point regular type:

**IN THE MATTER OF THE APPLICATION OF PINEVIEW WATER
COMPANY, INC. FOR APPROVAL OF THE SALE AND TRANSFER OF
ITS ASSETS AND CANCELLATION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
(Docket No. W-01676A-10-0400)**

Summary

On October 4, 2010, Pineview Water Company, Inc. ("Pineview" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale and transfer of its water system assets and for cancellation of its Certificate of Convenience and Necessity ("CC&N"). Pineview has reached an agreement to sell and transfer its water system to the City of Show Low, Arizona.

The Commission's Utilities Division Staff ("Staff") is in the process of analyzing the application and has not yet made any recommendations in this matter. The Commission is not bound by the proposals made by Pineview, Staff, or any intervenors. The Commission will determine whether to approve the sale and transfer of assets and CC&N transfer based on the evidence received through an evidentiary hearing in this matter.

If You Are a Pineview Customer

If the sale and transfer of assets and CC&N transfer are approved, the City of Show Low will be the provider of water utility service to your area.

If you have a claim against Pineview such as a claim for refund of a security deposit or service line and meter installation charges or for refund on a main extension agreement, and you have not been contacted by Pineview regarding your claim, you must present your claim to Pineview by February 15, 2011.

How You Can View or Obtain a Copy of the Application and Other Documents

Copies of the application and the other documents filed in this matter are available at Pineview's offices [COMPANY INSERT ADDRESS HERE]; at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public inspection during regular business hours; and on the Internet via the Commission's website (www.azcc.gov) using the e-Docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing in this matter beginning on March 15, 2011, at 10:00 a.m., in Hearing Room No. 1 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing Docket No. W-01676A-10-0400 to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by e-mail. For a form to use and instructions on how to e-mail comments to the Commission, go to http://www.azcc.gov/divisions/utilities/forms/public_comment.pdf. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

About Intervention

Any person or entity entitled by law to intervene and having a direct and substantial interest in the matter will be permitted to intervene. If you desire to intervene, you must file a written motion to intervene with the Commission no later than **February 15, 2011**. You must send a copy of the motion to intervene to Pineview, or to its counsel, and to all parties of record. Your motion to intervene must contain the following:

1. Your name, address, and telephone number and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A short statement of your interest in the proceeding (e.g., a customer of Pineview, etc.); and
3. A statement certifying that you have mailed a copy of the motion to intervene to Pineview or its counsel, and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 15, 2011. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor's obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Commission's website at <http://www.azcc.gov/divisions/utilities/forms/interven.pdf>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the docket for the case.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter and request this document in an alternative format by contacting the ADA Coordinator, Shaylin Bernal, at sabernal@azcc.gov, voice phone number (602) 542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that **Pineview Water Company, Inc.** shall, by **January 31, 2011**, mail a copy of the above notice to each of its customers, by first-class U.S. Mail, and cause the above notice to be **published in a newspaper** of general circulation in its service area.

IT IS FURTHER ORDERED that **Pineview Water Company, Inc.** shall file **certification of mailing and publication** as soon as possible after mailing and publication has been completed, but no later than **March 1, 2011**.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication of same, notwithstanding the failure of an individual to read or receive the notice.

IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to

1 be presented at hearing **by February 15, 2011.**

2 IT IS FURTHER ORDERED that any **objection or response to the Staff Report** shall be
3 made in writing and filed by **March 1, 2011.**

4 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
5 105, except that all motions to intervene must be filed by **February 15, 2011.**

6 IT IS FURTHER ORDERED that any objections to motions to intervene shall be filed by
7 **March 1, 2011.**

8 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
9 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
10 *pro hac vice.*

11 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113—Unauthorized
12 Communications) applies to this matter and shall remain in effect until the Commission's Decision in
13 this matter is final and non-appealable.

14 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
15 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

16 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
17 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

18 DATED this 6th day of January, 2011.

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DWIGHT D. NODES
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE


24 Copies of the foregoing mailed/delivered
25 this 6th day of January, 2011, to:

26 Lawrence V. Robertson, Jr.
27 ATTORNEY AT LAW
28 P.O. Box 1448
Tubac, AZ 85646
Attorney for Pineview Water Company, Inc.

1 Janice Alward, Chief Counsel
2 Legal Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, AZ 85007

6 Steve Olea, Director
7 Utilities Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, AZ 85007

11 ARIZONA REPORTING SERVICE, INC.
12 2200 North Central Avenue, Suite 502
13 Phoenix, AZ 85004-1481

14 By: 
15 Debbi Person
16 Assistant to Dwight D. Nodes
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